

## No. 1982-47

## AN ACT

## SB 16

Amending the act of June 1, 1945 (P.L.1242, No.428), entitled "An act relating to roads, streets, highways and bridges; amending, revising, consolidating and changing the laws administered by the Secretary of Highways and by the Department of Highways relating thereto," further providing for traffic control devices, and for permits to open driveways and highway occupancy.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 420, act of June 1, 1945 (P.L.1242, No.428), known as the "State Highway Law," amended December 13, 1979 (P.L.531, No.117), is amended to read:

Section 420. Rules for Use of, and Injury to, Highways; Penalty.—

(a) The secretary is empowered to make reasonable rules and regulations governing the use of all State highways, and, by the placement of official traffic control devices, *or curbs, medians or other physical barriers*, may control the flow of traffic thereon.

*(b) The secretary may issue permits for the opening of streets and driveways onto State highways and for the opening of the surface and occupancy of State highways on terms and conditions established in department regulations, and may delegate such authority to any municipality which agrees to issue permits in compliance with such regulations or local regulations approved by the secretary which shall contain standards which are in every particular at least as high as those contained in the department regulations. No person, municipality or municipality authority shall open a driveway onto a State highway or open the surface of or occupy a State highway without such a permit.*

*(c) A municipality which refuses within sixty (60) days to issue a permit requested by a person pursuant to the provisions of subsection (b) shall, within ten (10) days of receipt of a written request, provide that person with a written statement specifying the reasons for its refusal.*

*(d) Any person who is denied issuance of a permit under this section may appeal pursuant to the provisions of Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure), except that an appeal from the refusal by a municipality to issue a permit under subsection (c) shall be to the Commonwealth Court.*

**[(b)] (e)** Any person violating [such rules or regulations] *any rule or regulation promulgated under this section*, or who shall, by any method or device, or in any manner, wilfully or maliciously destroy, injure, or damage any such highway in this Commonwealth, shall, upon summary conviction thereof, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) for each offense, together with the costs of prosecution *and all necessary restoration*, which shall be recovered, as in

similar cases, upon complaint of any person before a magistrate or justice of the peace, and the fine or fines so recovered shall be paid into the Motor License Fund.

Section 2. Sections 515, 525 and 547 of the act are repealed.

Section 3. This act shall take effect immediately.

APPROVED—The 7th day of March, A. D. 1982.

DICK THORNBURGH